

TENNESSEE GENERAL ASSEMBLY
 FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 240 – SB 318

March 10, 2023

SUMMARY OF BILL: Requires a law enforcement agency to notify the victim of a sexual assault of the results of a DNA data analysis conducted on the victim’s sexual assault evidence collection kit before releasing the results to the public.

Establishes that a victim of a sexually oriented crime has a right to counseling at no cost to the victim. Requires a law enforcement agency to which the crime is reported, or victim-witness coordinator, to ensure that the victim is aware of the available counseling. Requires the Department of Mental Health and Substance Abuse Services (DMHSAS) to provide such counseling as needed.

FISCAL IMPACT:

Increase State Expenditures –

Exceeds \$5,455,000/FY23-24

Exceeds \$5,447,500/FY24-25 and Subsequent Years

Assumptions:

- According to the Tennessee Bureau of Investigation’s Tennessee Incident-Based Report System, which tracks incidents of crime across the state, there were 5,855 non-consensual sexual offenses in Tennessee in 2021. For the purposes of this analysis, that number is assumed to be the number of victims that can be expected in future years.
- The proposed legislation will provide each of those victims the right to receive counseling at no charge to the victim, to be provided through DMHSAS or another appropriate provider, as needed.
- Based on information provided by DMHSAS, the department would have to establish a new program to provide the type and amount of counseling services that are estimated to be required.
- In order to manage the new program, DMHSAS will require one additional Program Manager 1 position.
- The increase in state expenditures related to the new position is estimated to be \$111,822 (\$74,604 salary + \$19,718 benefits + \$7,500 setup + \$10,000 operational) in FY23-24.
- The increase in state expenditures related to the new position is estimated to be \$104,322 (\$74,604 salary + \$19,718 benefits + \$10,000 operational) in FY24-25 and subsequent years.

- In addition, the DMHSAS will incur a significant increase in expenditures related to providing these services.
- Of the estimated 5,855 victims per year, it is not known how many will seek the available counseling. It is assumed to be at least 50 percent, or more than 2,928 victims (5,855 victims x 50%) per year.
- According to the Sexual Assault Center, as provided by DMHSAS, in order to achieve appropriate treatment outcomes, a sexual assault survivor requires an average minimum of 35 counseling sessions. It is not known how many sessions any particular individual would complete. Considering the service is to be free of charge, it is assumed each victim will complete at least 20 sessions.
- The current reimbursement rate for a 53-minutes and over individual therapy session under the Behavioral Health Safety Net is \$101.38.
- The increase in state expenditures to provide free counseling to survivors of sexual assault is therefore estimated to exceed \$5,936,813 (2,928 victims x 20 sessions x \$101.38).
- The DMHSAS estimates that 10 percent of the cost of providing counseling would be reimbursed by third-parties.
- Therefore, the increase in state expenditures after reimbursements is estimated to exceed \$5,343,132 (\$5,936,813 x 90%) in FY23-24 and subsequent years.
- The total increase in state expenditures is estimated to exceed \$5,454,954 (\$111,822 program manager + \$5,343,132 counseling) in FY23-24.
- The total increase in state expenditures is estimated to exceed \$5,447,454 (\$104,322 program manager + \$5,343,132 counseling) in FY24-25 and subsequent years.
- The Office of Criminal Justice Programs (OCJP) within the Department of Finance and Administration (F&A) currently provides limited funding that covers the cost of some services to sexual assault victims including the cost of counseling or therapy. However, F&A states that OCJP does not currently have the capacity in state or federal funding to cover the cost of additional services at the scale assumed to be required by this legislation.
- Any fiscal impacts to state or local law enforcement agencies related to their responsibilities pertaining to the established rights of victims of sexual assault are estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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